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09/853,541	05/11/2001	Daniel E. Tedesco	98-030-C1	8499
22927	7590	07/12/2004	EXAMINER ROSEN, NICHOLAS D	
WALKER DIGITAL FIVE HIGH RIDGE PARK STAMFORD, CT 06905			ART UNIT 3625	PAPER NUMBER

DATE MAILED: 07/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/853,541

Applicant(s)

TEDESCO ET AL.

Examiner

Nicholas D. Rosen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 79-87 and 89-103 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 79-87 and 89-103 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Claims 79-87, and 89-103 have been examined.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 3, 2004, has been entered.

### ***Claim Objections***

Claims 79-83 are objected to because of the following informalities: In the second line of claim 79, there should be a colon after "includes". Appropriate correction is required.

Claims 84-87 and 88 are objected to because of the following informalities: In the second line of claim 84, there should be a colon after "includes". Appropriate correction is required.

Claims 99-102 are objected to because of the following informalities: In each of claims 99-102, "the identifier of the check" should be followed by a comma rather than a semicolon (second line of claim 100; third line of claims 99, 101, and 102). Appropriate correction is required.

Claim 103 is objected to because of the following informalities: In the twelfth line, there should be a semicolon after "transmitting the code". Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 79-83 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 79, 82, and 83 are directed to a process that manipulates an abstract idea. There is no practical application within the technological arts. Determining an amount of funds reserved for payment with a check may be useful, but is not, in itself, concrete or tangible. Furthermore, claims 79, 80, and 83 do not recite any steps limited to using or manipulating technology. Claims 80 and 81 mention use of DTMF signals, and of a World Wide Web site, respectively, but this is not enough to toll the statute, since such recitation does not move to define a non-trivial implementation of technology.

A claim is limited to a practical application when the method, as claimed, produces a concrete tangible, and useful result: i.e., the method recites a step or act of producing something that is concrete, tangible, and useful. See *AT&T v. Excel Communications Inc.*, 172 F.3d at 1358, 50 USPQ2d at 1452.

Claims 84-87 and 89 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 84, 87, and 89 are directed

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to a process that manipulates an abstract idea. There is no practical application within the technological arts. Making an amount of funds available for payment may be useful, but is not, in itself, concrete or tangible. Furthermore, claims 84, 87, and 89 do not recite any steps limited to using or manipulating technology. Claims 85 and 86 mention use of DTMF signals, and of a World Wide Web site, respectively, but this is not enough to toll the statute, since such recitation does not move to define a non-trivial implementation of technology.

A claim is limited to a practical application when the method, as claimed, produces a concrete tangible, and useful result: i.e., the method recites a step or act of producing something that is concrete, tangible, and useful. See *AT&T v. Excel Communications Inc.*, 172 F.3d at 1358, 50 USPQ2d at 1452.

Claim 90 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 90 is directed to a process that manipulates an abstract idea. There is no practical application within the technological arts. Determining an amount of funds reserved for payment with a check may be useful, but is not, in itself, concrete or tangible. Furthermore, claim 90 does not recite any steps limited to using or manipulating technology.

A claim is limited to a practical application when the method, as claimed, produces a concrete tangible, and useful result: i.e., the method recites a step or act of producing something that is concrete, tangible, and useful. See *AT&T v. Excel Communications Inc.*, 172 F.3d at 1358, 50 USPQ2d at 1452.

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Claims 91-102 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 91, 95-99, 101, and 102 are directed to a process that manipulates an abstract idea. There is no practical application within the technological arts. Indicating an amount of funds reserved for payment with a check may be useful, but is not, in itself, concrete or tangible. Furthermore, claims 91, 95-99, 101, and 102 do not recite any steps limited to using or manipulating technology. Claims 92, 93, and 94 mention use of a network, a phone network, and the Internet, respectively, but this is not enough to toll the statute, since such recitation does not move to define a non-trivial implementation of technology. Claim 100 mentions storing data in a database (not specified as being an electronic or other technological database), but this is not enough to toll the statute, since such recitation does not move to define a non-trivial implementation of technology.

A claim is limited to a practical application when the method, as claimed, produces a concrete tangible, and useful result: i.e., the method recites a step or act of producing something that is concrete, tangible, and useful. See *AT&T v. Excel Communications Inc.*, 172 F.3d at 1358, 50 USPQ2d at 1452.

Claim 103 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 103 is directed to a process that manipulates an abstract idea. There is no practical application within the technological arts. Indicating an amount of funds reserved for payment with a check may be useful, but is not, in itself, concrete or tangible. Furthermore, claim 103 does not recite any steps limited to using or manipulating technology.

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A claim is limited to a practical application when the method, as claimed, produces a concrete tangible, and useful result: i.e., the method recites a step or act of producing something that is concrete, tangible, and useful. See *AT&T v. Excel Communications Inc.*, 172 F.3d at 1358, 50 USPQ2d at 1452.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

#### **Claims 79-83**

Claims 79 and 82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldenberg (U.S. Patent 6,036,344) in view of Bezy et al. (U.S. Patent 5,703,344).

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As per claim 79, Goldenberg discloses a method, comprising: receiving data that includes an account identifier that indicates a financial account (column 3, lines 20-36), and an amount of funds (inherent from Abstract and column 4, lines 50-58, since the processing center could not determine whether there were sufficient funds in the account to be drawn against, without being informed of the amount of funds); making the amount of funds unavailable for use in the financial account (Abstract; column 4, lines 50-58); generating a code that indicates the received data (column 3, line 6, through column 4, line 2; column 5, lines 12-33); transmitting the code (column 4, lines 7-31); receiving the code after the step of transmitting the code (column 4, lines 16-24 and 50-58); and determining from the code an amount of funds reserved for payment with the check (Abstract; column 4, lines 50-58). (This last step is inherent, since it would not be possible to determine whether there were sufficient funds in the account to be drawn against without determining from the code the amount of funds for which the check had been written.) Goldenberg does not disclose that the data includes a check identifier that indicates a check drawn on the financial account, but Bezy teaches this (column 5, lines 20-33). Hence, it would have been obvious to one of ordinary skill in the art of finance at the time of applicant's invention to have the data include a check identifier that indicates a check drawn on the financial account, for the stated advantage of avoiding paying on stolen or forged checks, and for the obvious advantage of being able to match provisional debits against the particular checks which resulted in the provisional debits when the checks are cleared.



Arguably, Goldenberg's method could be viewed as not generating a code that indicates the check in that it is not expressly disclosed as indicating the check serial number, etc., but Bezy does teach indicating the check in that sense (column 5, lines 20-33). Hence, it would have been obvious to one of ordinary skill in the art of finance at the time of applicant's invention to have the code indicate the check, for the stated advantage of avoiding paying on forged or stolen checks, and for the obvious advantage of being able to match provisional debits against the particular checks which resulted in the provisional debits when the checks are cleared.

As per claim 82, Goldenberg discloses transmitting a message including the amount of funds (Abstract; column 3, line 1, through column 4, line 31; column 4, lines 50-58). Again, it is inherent that the message includes the amount of funds, since without the amount of funds, it would be impossible to determine whether there were sufficient funds in the account to be drawn against.

Claims 80 and 81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldenberg and Bezy as applied to claim 79 above, and further in view of official notice. As per claim 80, Goldenberg does not expressly disclose that receiving the code comprises receiving DTMF signals, but does disclose using the telephone network (column 4, lines 19-24), and official notice is taken that the use of DTMF signals in the telephone network is well known. (See Jones et al., U.S. Patent 5,797,133, Abstract, for an example.) Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have receiving the code

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comprise receiving DTMF signals, for the obvious advantage of receiving the code by a common, well-known technique, for which appropriate apparatus is readily available.

As per claim 81, Goldenberg does not expressly disclose that receiving the code comprises receiving the code via a World Wide Web site, but does disclose using the Internet (column 3, lines 13-19; column 4, lines 19-24), and official notice is taken that use of World Wide Web sites is well known. (See Lebda et al., U.S. Patent 6,385,594, Abstract, for an example.) Hence, it would have been obvious to one of ordinary skill in the art of finance at the time of applicant's invention to receive the code via a World Wide Web site, for the obvious advantage of receiving the code through a common, widely available means, which would have been familiar and accessible to many potential users.

Claim 83 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldenberg as applied to claim 79 above, and further in view of Bezy et al. (U.S. Patent 5,703,344). Goldenberg does not expressly disclose storing an indication that the predetermined check has been claimed, but Bezy teaches this (column 5, lines 11-33). Hence, it would have been obvious to one of ordinary skill in the art of finance at the time of applicant's invention to store an indication that the predetermined check had been claimed, for the stated advantage of preventing a forger from presenting a forged check with the same serial number.

#### **Claims 84-87 and 89**

Claims 84 and 87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldenberg (U.S. Patent 6,036,344) in view of Bezy et al. (U.S. Patent 5,703,344).

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As per claim 84, Goldenberg discloses a method, comprising: receiving data that includes an account identifier that indicates a financial account (column 3, lines 20-36), and an amount of funds (inherent from Abstract and column 4, lines 50-58, since the processing center could not determine whether there were sufficient funds in the account to be drawn against, without being informed of the amount of funds); making the amount of funds unavailable for use in the financial account (Abstract; column 4, lines 50-58); generating a code that indicates the check (column 3, line 6, through column 4, line 2; column 5, lines 12-33); transmitting the code to a first device (column 4, lines 7-31 and 50-58); receiving the code from a second device (column 4, lines 16-24 and 50-58); determining the data based on the code (column 4, lines 50-58); transmitting a message that indicates the amount of funds (Abstract; column 4, lines 16-26 and 50-58); and making the amount of funds available for payment (Abstract; column 5, lines 34-55). Goldenberg does not disclose that the data includes a check identifier that indicates a check drawn on the financial account, but Bezy teaches this (column 5, lines 20-33). Hence, it would have been obvious to one of ordinary skill in the art of finance at the time of applicant's invention to have the data include a check identifier that indicates a check drawn on the financial account, for the stated advantage of avoiding paying on stolen or forged checks, and for the obvious advantage of being able to match provisional debits against the particular checks which resulted in the provisional debits when the checks are cleared.

Arguably, Goldenberg's method could be viewed as not generating a code that indicates the check in that it is not expressly disclosed as indicating the check serial

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number, etc., but Bezy does teach indicating the check in that sense (column 5, lines 20-33). Hence, it would have been obvious to one of ordinary skill in the art of finance at the time of applicant's invention to have the code indicate the check, for the stated advantage of avoiding paying on forged or stolen checks, and for the obvious advantage of being able to match provisional debits against the particular checks which resulted in the provisional debits when the checks are cleared.

As per claim 87, Goldenberg discloses encrypting at least some data (column 3, lines 6-19; column 3, line 30, through column 4, line 2).

Claims 85, 86, and 89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldenberg and Bezy as applied to claim 84 above, and further in view of official notice. As per claim 85, Goldenberg does not expressly disclose that receiving the code comprises receiving DTMF signals, but does disclose using the telephone network (column 4, lines 19-24), and official notice is taken that the use of DTMF signals in the telephone network is well known. (See Jones et al., U.S. Patent 5,797,133, Abstract, for an example.) Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have receiving the code comprise receiving DTMF signals, for the obvious advantage of receiving the code by a common, well-known technique, for which appropriate apparatus is readily available.

As per claim 86, Goldenberg does not expressly disclose that receiving the code comprises receiving the code via a World Wide Web site, but does disclose using the Internet (column 3, lines 13-19; column 4, lines 19-24), and official notice is taken that

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use of World Wide Web sites is well known. (See Lebda et al., U.S. Patent 6,385,594, Abstract, for an example.) Hence, it would have been obvious to one of ordinary skill in the art of finance at the time of applicant's invention to receive the code via a World Wide Web site, for the obvious advantage of receiving the code through a common, widely available means, which would have been familiar and accessible to many potential users.

As per claim 89, Goldenberg discloses transmitting the message by making a telephone call (column 7, line 58, through column 8, lines 2-7), and official notice is taken that making a telephone call generally comprises transmitting an audio message. Hence, it would have been obvious to one of ordinary skill in the art of finance at the time of applicant's invention to transmit an audio message, for the stated advantage of conveying a message where other means for doing so, such as computer-to-computer transmission involving a processing center, were not available.

#### **Claim 90**

Claim 90 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldenberg (U.S. Patent 6,036,344) in view of official notice. Goldenberg discloses a method comprising: receiving data that includes: an identifier of an account (Abstract; column 3, lines 31-47), an identifier of a check drawn on the checking account (implied by column 5, lines 30-33, official notice being taken that the information currently used to route checks through the banking system normally includes a check identifier), and an amount of funds associated with the check (inherent from Abstract and column 4, lines 50-58, since it would not be possible to determine whether there were sufficient

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funds in the account to be drawn against, and to provisionally debit the account, unless the check data included the amount of funds for which the check had been written).

Goldenberg further discloses making the amount of funds in the account unavailable for use by the payor (Abstract; column 4, lines 50-58); generating a code associated with the check, wherein the code is generated based on at least one of the identifier of the account, the identifier of the check, and the amount of funds (Abstract; column 3, lines 30-60); transmitting the code (column 4, lines 16-24); receiving the code (column 4, lines 50-58); determining the amount of funds based on the code (column 4, lines 50-65); and transmitting a message that indicates the amount of funds (column 4, line 50, through column 5, line 2). It would have been obvious to one of ordinary skill in the art of finance at the time of applicant's invention for the data to include an identifier of a checking account, for the obvious advantage of applying Goldenberg's invention to standard checks, whose routing information includes check identifiers.

### **Claims 91-102**

Claims 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101 and 102 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldenberg (U.S. Patent 6,036,344) in view of Britt ("Making a Dishonest Buck") and official notice. As per claim 91, Goldenberg discloses a method comprising: receiving data that includes: an identifier of an account upon which a check is drawn (Abstract; column 3, lines 31-47), an identifier of a check drawn on the checking account (implied by column 5, lines 30-33, official notice being taken that the information currently used to route checks through the banking system normally includes a check identifier), and an amount of funds associated with the check

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(inherent from Abstract and column 4, lines 50-58, since it would not be possible to determine whether there were sufficient funds in the account to be drawn against, and to provisionally debit the account, unless the check data included the amount of funds for which the check had been written). Goldenberg further discloses making the amount of funds in the account unavailable for use by the payor (Abstract; column 4, lines 50-58); generating a code associated with the check, wherein the code is generated based on at least one of the identifier of the account, the identifier of the check, and the amount of funds (Abstract; column 3, lines 30-60); transmitting the code (column 4, lines 16-24); receiving the code (column 4, lines 50-58); determining, based on the code, the amount of funds (column 4, lines 50-65); and transmitting a message that indicates the amount of funds (column 4, line 50, through column 5, line 2). It would have been obvious to one of ordinary skill in the art of finance at the time of applicant's invention for the data to include an identifier of a checking account, for the obvious advantage of applying Goldenberg's invention to standard checks, whose routing information includes check identifiers.

Goldenberg does not disclose receiving the data from the payor of the check, but Britt teaches receiving data from a payor of a check (paragraph beginning, "Another quick fraud prevention technique that Benson recommends"). Hence, it would have been obvious to one of ordinary skill in the art of finance at the time of applicant's invention to receive data from the payor of the check, for the stated advantage of avoiding being defrauded by counterfeit checks.

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As per claim 92, Goldenberg discloses receiving signals representative of the data via a network; as per claim 93, the network can be the phone network; and as per claim 94 receiving data via a network can be receiving data via the Internet (column 4, lines 19-24).

As per claim 95, Goldenberg discloses that receiving data includes receiving a personal identification number, or PIN (column 4, lines 3-6; column 7, lines 4-10).

As per claim 96, Goldenberg does not disclose receiving an authorization to charge the payor a fee for making the amount of funds in the account unavailable for use by the payor, but official notice is taken that it is well known financial institutions to charge fees for providing services, and to obtain authorization to do so. Hence, it would have been obvious to one of ordinary skill in the art of finance at the time of applicant's invention to receive an authorization to charge the payor a fee for making the amount of funds in the account unavailable for use by the payor, for the obvious advantage of profiting from charging such a fee.

As per claim 97, Goldenberg discloses transmitting data representative of the amount of funds made unavailable in response to receiving the code (column 4, line 50, through column line 4).

As per claim 98, Goldenberg discloses providing the amount of funds made unavailable in response to receiving the code (column 4, line 50, through column line 11).

As per claim 99, Goldenberg discloses encrypting at least some data, which may include data representing at least one of the identifier of the account, the identifier of the



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check, and the amount of funds (column 3, lines 6-19; column 3, line 30, through column 4, line 2).

As per claim 100, Goldenberg does not disclose that generating the code, as such, includes storing in a database at least one of the account, the identifier of the check, and the amount of funds, but does teach storing in a database at least one of the account, the identifier of the check, and the amount of funds (column 4, lines 16-31; column 5, lines 34-55; column 5, line 62, through column 6, line 3). Hence, it would have been obvious to one of ordinary skill in the art of finance at the time of applicant's invention for generating the code to include storing in a database at least one of the account, the identifier of the check, and the amount of funds, for the obvious advantage of maintaining records, enabling the action to be confirmed if any question or dispute should arise.

As per claim 101, Goldenberg discloses providing the amount of funds made unavailable (column 4, line 50, through column 6, line 11), but does not expressly disclose doing so if a code received can be decrypted into data representing at least one of the identifier of the account, the identifier of the check, and the amount of funds. However, Goldenberg does disclose the use of encryption in communication (column 3, lines 13-19), which implies decrypting a code into the information originally encrypted.

As per claim 102, Goldenberg discloses providing the amount of funds made unavailable (column 4, line 50, through column 6, line 11), but does not expressly disclose providing the amount of funds made unavailable if a code received can be used to retrieve data representing at least one of the identifier of the account, the

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identifier of the check, and the amount of funds from a database, but official notice is taken that it is well known to provide valuables if a code (e.g., a password) can be used to retrieve confirming data from a database. Hence, it would have been obvious to one of ordinary skill in the art of finance at the time of applicant's invention to provide the amount of funds made unavailable if a code received can be used to retrieve data representing at least one of the identifier of the account, the identifier of the check, and the amount of funds from a database, for the obvious advantage of honoring checks shown to be legitimate.

***Allowable Subject Matter***

Claim 103 would be allowable if amended to overcome the rejection under 35 U.S.C. 101, and the objection, as set forth above.

The following is a statement of reasons for the indication of allowable subject matter: The closest prior art of record, Goldenberg (U.S. Patent 6,036,344), discloses receiving a request concerning a check, the request including an identifier of the account upon which the check is drawn, an identifier of the check (at least this is implied), and the amount of funds associated with the check; making the amount of funds in the account unavailable for use by the payor; generating a code associated with the check; transmitting the code; receiving the code; determining, based on the code, the amount of funds; and transmitting a message that indicates the amount of funds. However, Goldenberg does not disclose receiving the request from a payor of the check to register an amount of funds associated with the check as certified, or

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receiving the code from a payor of the check, nor does any other prior art of record disclose this. It is known for check payors to transmit information to their banks concerning checks, as is taught, for example, by Britt ("Making a Dishonest Buck," paragraph beginning "Another quick fraud prevention technique that Benson recommends"), but this is not sufficient to make the detailed procedure of the claim obvious.

### ***Response to Arguments***

Applicants' arguments filed May 3, 2004, have been fully considered but they are not persuasive. Applicants argue that all independent claims, as amended, recite both transmitting a code and receiving a code, which Goldenberg allegedly fails to suggest. Examiner replies that Goldenberg does teach receiving a code, as set forth above in the rejections under 35 U.S.C. 103. Possibly Applicants can distinguish the receiving of the code in their invention from the receiving of a code in Goldenberg's patent, but the claims as currently drawn up do not provide grounds for such a distinction. Examiner also reiterates that Goldenberg does disclose a code indicating an amount of funds.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bush (U.S. Patent Application Publication 2002/0002675) discloses secure encryption of data packets for transmission over unsecured networks (and in particular discloses transmission of check information; see paragraphs 60-68).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen, whose telephone number is 703-305-0753. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins, can be reached on 703-308-1344. (Wynn Coggins is currently on assignment elsewhere in the Patent Office; the examiner's acting supervisor, Jeffrey Smith, can be reached at 703-308-3588.) The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Non-official/draft communications can be faxed to the examiner at 703-746-5574.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Nicholas D. Rosen*  
**NICHOLAS D. ROSEN**  
**PRIMARY EXAMINER**

July 3, 2004